

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARSHA NICHOLAS,

Plaintiff,

v.

No. 2:17-cv-00361-MV-KRS

WINDSTREAM
COMMUNICATIONS, LLC,

Defendant.

SCHEDULING ORDER

This matter is before the Court following a telephonic Rule 16 scheduling conference held on June 28, 2017. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, except for minor modifications discussed on the record and included in the dates below.

Accordingly, it is **ORDERED** that the parties shall follow the following discovery plan:


- (a) Maximum of 25 interrogatories per party to the other party with responses due 30 days after service.
- (b) Maximum of 15 requests for admission per party to the other party with responses due 30 days after service.
- (c) The Court will not limit requests for production with the caveat that any party may seek relief in the event the other party's number of requests become unreasonable or burdensome
- (d) Maximum of eight (8) depositions by each party. Depositions shall not exceed four (4) hours except for Ed Hernandez or as otherwise extended by the parties' agreement during the deposition.

It is further **ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend her pleadings pursuant to Federal Rule of Civil Procedure 15: **August 1, 2017;**
- (b) Deadline for Defendant to amend its pleadings pursuant to Federal Rule of Civil Procedure 15: **August 15, 2017;**
- (c) Deadline for Plaintiff to join additional parties pursuant to Federal Rule of Civil Procedure 15: **August 15, 2017;**
- (d) Deadline for Defendant to join additional parties pursuant to Federal Rule of Civil Procedure 15: **August 31, 2017;**
- (e) Plaintiff's expert-disclosure deadline: **October 2, 2017;**
- (f) Defendant's expert-disclosure: **November 1, 2017;**
- (g) Deadline for supplementing discovery/disclosures: **30 days before pretrial order is due;**
- (h) Termination of discovery: **December 1, 2017;**
- (i) Motions relating to discovery: **December 15, 2017;**
- (j) All other motions: **January 15, 2018;**
- (k) Pretrial order: Plaintiff to Defendant by: **March 15, 2018;**
 Defendant to Court by: **March 22, 2018.**

It is further **ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition beyond four hours made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of

any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date so that the response to that request shall be due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the 21-day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea", is positioned above a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE